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Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ZACHARY BOOK, DONALD COWART,
JOHN MANNERS, LORI ASHBAUGH,
JESSICA CHANDLER, MICHAEL GHEZZI,
THOMAS GAROFALO, HOLLY
FOURNIER, ADAM MILES, JONATHAN
ROWE, LOUIS RAMOS, and JENNIFER
ROBERTS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 5:14-CV-04746-EJD

**DECLARATION OF MATTHEW D.
POWERS IN SUPPORT OF
DEFENDANT APPLE INC.'S
REQUEST FOR JUDICIAL NOTICE**

Hearing Date: April 2, 2015
Time: 9:00 a.m.
Judge: Hon. Edward J. Davila
Courtroom: 4

DECLARATION OF MATTHEW D. POWERS

I, Matthew D. Powers, hereby declare and state as follows:

1. I am an attorney admitted to practice before all courts of the State of California and in the Northern District of California, and I am a partner with O'Melveny & Myers LLP, counsel of record for Defendant Apple Inc. ("Apple") in the above-captioned case. I submit this declaration based upon my personal knowledge and, if called as a witness, could and would testify to the matters set forth below.

2. Attached hereto as **Exhibit A** are a true and correct copy of the versions of Apple's One Year Limited Warranty that were in effect at the time plaintiffs purchased the MacBook Pro computers at issue in this case. Those documents are also available online at <http://www.apple.com/legal/warranty/archived/20110101/mac-english.html> (before Oct. 4, 2011) and <http://www.apple.com/legal/warranty/archived/20121209/mac-english.html> (between Oct. 4, 2011 and March 27, 2013).

3. Attached hereto as **Exhibit B** is a true and correct copy of the excerpts from Apple's website that are referenced in paragraphs 31 and 64 of Plaintiffs' First Amended Complaint. Those documents are also available online at <https://web.archive.org/web/20110302202246/http://www.apple.com/macbookpro/performance.html> and <https://web.archive.org/web/20111118133645/http://www.apple.com/macbookpro/performance.html>.

4. Attached hereto as **Exhibit C** is a true and correct copy of a press release Apple issued on July 20, 2011, noting the release of Apple's Mac OS X Lion operating system. This document is also available online at <https://www.apple.com/pr/library/2011/07/20Mac-OS-X-Lion-Available-Today-From-the-Mac-App-Store.html>.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct to the best of my knowledge, information, and belief.

3 Executed this 29th day of January, 2015, at San Francisco, California
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5 /s/ Matthew D. Powers

6 Matthew D. Powers
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